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Report of the Working Group on the Universal Periodic Review*

New Zealand

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Introduction

1. The Working Group on the Universal Periodic Review, established in accordance with Human Rights Council resolution 5/1 of 18 June 2007, held its eighteenth session from 27 January to 7 February 2014. The review of New Zealand was held at the 1st meeting on 27 January 2014. The delegation of New Zealand was headed by Judith Collins, Minister of Justice, Minister for Ethnic Affairs and Minister for Accident Compensation Corporation. At its 10th meeting, held on 31 January 2014, the Working Group adopted the report on New Zealand.

2. On 15 January 2014, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of New Zealand: Côte d'Ivoire, Japan and the Russian Federation.

3. In accordance with paragraph 15 of the annex to resolution 5/1 and paragraph 5 of the annex to resolution 16/21, the following documents were issued for the review of New Zealand:

(a) A national report submitted/written presentation made in accordance with paragraph 15 (a) (A/HRC/WG.6/18/NZL/1);

(b) A compilation prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in accordance with paragraph 15 (b) (A/HRC/WG.6/18/NZL/2);

(c) A summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/18/NZL/3).

4. A list of questions prepared in advance by the Czech Republic, Germany, Liechtenstein, Mexico, the Netherlands, Slovenia, Spain and the United Kingdom of Great Britain and Northern Ireland was transmitted to New Zealand through the troika. The questions are available on the extranet of the universal periodic review (UPR).

I. Summary of the proceedings of the review process

A. Presentation by the State under review

5. The Minister of Justice and Minister for Ethnic Affairs of New Zealand, Judith Collins, presented the national report. She described New Zealand as a young, ethnically diverse and democratic country in the South Pacific.

6. New Zealand had a robust institutional framework, vital to promoting and protecting human rights, and encouraged strong civil society input. The Bill of Rights Act and the Human Rights Act specifically protected the civil and political rights of its citizens. For the eighth year in a row, New Zealand had ranked first or equal first in Transparency International's Corruption Perceptions Index for having the most open and transparent Government and public sector. Whilst priding itself on promoting human rights and equal treatment for all citizens, New Zealand was continually seeking to improve.

7. Addressing an advance question from Germany on the protection of economic, social, and cultural rights, New Zealand confirmed that it recognized the fundamental importance of those rights, which were protected through a variety of legislative mechanisms, including publicly funded education, health care and social assistance.

8. In response to an advance question from the United Kingdom, New Zealand confirmed that its UPR preparation had included extensive consultation with civil society and human rights organizations, including multiple public meetings. The New Zealand Human Rights Commission and the general public had been consulted during the preparation of the draft report.

9. New Zealand had increased support for international human rights instruments and engagement with United Nations bodies. In 2010, New Zealand had supported the United Nations Declaration on the Rights of Indigenous Peoples, and in 2011, it had ratified the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (OP-CRC-SC). New Zealand had received visits from the Special Rapporteur on the rights of indigenous peoples and the Subcommittee on Prevention of Torture.

10. Responding to an advance question from Liechtenstein on the Kampala amendments to the Rome Statute of the International Criminal Court, New Zealand confirmed it was a long-standing supporter of the International Criminal Court and would make a formal decision on ratification of the amendments in the first quarter of 2014.

11. New Zealand explained that the indigenous Māori people of New Zealand were a unique group with a rich culture integral to the country's identity. Māori constituted around 15 per cent of the New Zealand population and Te Reo Māori was an official language of New Zealand. The Treaty of Waitangi, which had been signed in 1840, was a partnership agreement between Māori and representatives of the State and a founding document of New Zealand.

12. Māori played a strong role in governance. The Māori Party and the governing National Party worked together in a formal coalition arrangement. The Governor-General, three Ministers in Cabinet and 20 per cent of Members of Parliament were of Māori descent.

13. New Zealand acknowledged that the story of Māori achievement was not consistently positive. Māori were over-represented in the criminal justice system as offenders and victims. With the adoption of the Addressing the Drivers of Crime initiative, however, the number of young Māori appearing in court had reduced by 30 per cent in the past two years. The Government had launched the Youth Crime Action Plan in 2013, aiming to reduce crime and recidivism for young Māori.

14. New Zealand described the role of women in leadership in the country. There had been two female prime ministers and two female Governors-General. Three of the four levels of the judiciary were headed by women and there were six women in Cabinet. Since 1998, the gender pay gap had been trending downwards (it currently stood at 10.1 per cent) and New Zealand ranked in the top ten of the Global Gender Gap Report published by the World Economic Forum.

15. New Zealand acknowledged that women and children experienced an unacceptably high rate of family violence; the Government was determined to eradicate that problem. In 2012, the Government had reconvened the Family Violence Ministerial Group, providing oversight to a whole-of-government approach to addressing family violence. Recognizing the link between alcohol abuse and family violence, in December 2013, the Government had enacted legislative changes governing the sale and supply of alcohol. The police had indicated that those changes were already making a positive difference to the country's drinking culture.

16. Other significant developments had included: the introduction of Police Safety Orders; increasing penalties for breaches of domestic violence restraining orders; expanding the definition of domestic violence to include economic and financial abuse;

implementing the 2009 Action Plan for New Zealand Women; and implementation of recommendations of the Taskforce for Action on Sexual Violence.

17. Responding to the advance question from the United Kingdom on data collection and efficacy of domestic violence programmes, New Zealand confirmed that the Families Commission was leading work to assess data sources and had developed provisional indicators and recommendations for improving data quality.

18. Responding to the advance question from the Czech Republic about implementing the recommendations of the Committee on the Elimination of Discrimination against Women, agencies had met regularly to review progress on all the recommendations since the Committee's consideration of the seventh periodic report in 2012. New Zealand would report back to the Committee in October 2014.

19. Referring to an advance question from Spain, New Zealand confirmed that protecting children against abuse and neglect was a key priority for the Government. It had launched the White Paper for Vulnerable Children and the Children's Action Plan in 2012. The Vulnerable Children Bill had been introduced in September 2013 to give effect to the proposals in the White Paper. The Government was working on extensive reforms across health, education, and social sectors.

20. In May 2013, the New Zealand Parliament had legislated to allow marriage between any two people regardless of gender identity, sex, or sexual orientation. The first same-sex couple had been married in New Zealand on 19 August 2013. Legislation also allowed for same-sex couples to adopt children and for couples to remain married, regardless of a change in their legal gender.

21. Referring to the annex to its national report regarding Tokelau, New Zealand said that in 2007, Tokelauans had voted by referendum to remain a territory of New Zealand. New Zealand continued to have special responsibilities to Tokelau and therefore reported on the human rights situation in Tokelau as part of its national UPR report.

B. Interactive dialogue and responses by the State under review

22. During the interactive dialogue, 76 delegations made statements. Recommendations made during the dialogue can be found in section II of the present report.

23. France commended the ratification of OP-CRC-SC. France made recommendations.

24. Gabon commended New Zealand for the harmonious cohabitation of its various ethnic communities. It welcomed cooperation with treaty bodies and special procedures, and the support to OHCHR through financial contributions. It encouraged New Zealand to continue taking measures in favour of human rights and fundamental freedoms. It made a recommendation.

25. Germany praised the progress achieved in protecting children and women against violence, especially within families, and welcomed the endorsement of the Taskforce for Action on Violence within Families. It applauded measures to remove socioeconomic differences, especially targeting Māori. Germany made recommendations.

26. Greece welcomed the ratification of OP-CRC-SC. It commended the introduction of ten marae-based courts and two Pasifika courts for Māori and Pacific young people, but was concerned at the overrepresentation of indigenous people in the criminal justice system. It remained concerned at the high rates of violence against women. Greece made recommendations.

27. Hungary commended New Zealand for its leadership in promoting the rights of persons with disabilities, its significant efforts to address previous recommendations on

gender equality and the progress made in increasing women's representation in the public and private sectors. Hungary made recommendations.

28. Indonesia appreciated the implementation of the New Zealand Disability Strategy. It welcomed advances in the constitutional, legal and administrative frameworks to enhance human rights and the development of the Second National Action Plan on Human Rights. Indonesia made recommendations.

29. Iran (Islamic Republic of) expressed concern that the safeguards to protect the rights of minorities from discrimination and marginalization were insufficient, putting them at a higher risk of torture and ill-treatment than the majority population, and at the continued high levels of violence against women, particularly Māori, Pacific and minority women. It made recommendations.

30. Ireland applauded the long-standing, positive leadership on gender equality, while expressing concern that one in four New Zealand women experienced sexual violence a least once in their lifetime. It noted the significant strides made in advancing the rights of Māori people. Ireland made recommendations.

31. Israel commended New Zealand for its positive response to recommendations during its first review, including those on the elimination of violence against women, equality and non-discrimination. It noted measures to promote the rights of persons with disabilities and encouraged continued focus on the workplan to address the health of persons with intellectual disabilities. Israel made a recommendation.

32. Italy requested further information on the outcome of the "Growing Up in New Zealand" study, particularly factors influencing children's socioeconomic conditions, and on the tools used to monitor the trend in child poverty and assess the results of the country's poverty reduction policies. Italy made recommendations.

33. Jamaica noted the many initiatives designed to protect human rights, such as the "Speak Out" initiative on racial discrimination, and the strides made in the six priorities identified by the Government. It made a recommendation.

34. Kyrgyzstan noted the commitment to improving and strengthening human rights institutions in constructive cooperation with treaty bodies and special procedures, the standing invitation to all special procedures and the recent ratification of OP-CRC-SC. It commended New Zealand for its activities and financial action to support at-risk children and their families. It made recommendations.

35. The Lao People's Democratic Republic noted the long history of promoting and protecting human rights and the strong support of humanitarian initiatives. It encouraged the Government to continue its cooperation with the United Nations, other international organizations and stakeholders to overcome the remaining constraints and challenges.

36. Libya welcomed the Government's intention to introduce a new action plan for human rights and encouraged it to consult with all stakeholders. It noted the efforts and positive results of Māori and Pacifika in the fields of employment, health, education and the administration of justice.

37. Malaysia noted the efforts to improve the lives of Māori and encouraged the Government to continue strengthening their social, economic and cultural rights. It highlighted progress made in improving the rights of women, children and persons with disabilities. Malaysia made recommendations.

38. Mauritius commended New Zealand for its non-discriminatory policies to address inequalities in education, employment, health and social welfare in order to raise living standards among the deprived. It applauded the recent introduction of the White Paper and

Vulnerable Children Bill and would value learning from those experiences. Mauritius made a recommendation.

39. Mexico welcomed the repeal of the Foreshore and Seabed Act 2004 and the promulgation of the 2011 Marine and Coastal Area Act, which enabled Māori to seek recognition of their rights by engaging directly with the Government or by applying to the High Court. It noted the reforms in the field of social assistance aimed at reducing economic inequalities. It made recommendations.

40. Montenegro commended the ratification of OP-CRC-SC and the significant progress made in terms of legislation, institutions and monitoring mechanisms. It asked about specific steps taken to prohibit underage and forced marriages. Montenegro made recommendations.

41. Morocco requested more information on the New Zealand anti-corruption policy, as it constituted good practice for other countries. Morocco asked about measures envisaged to remedy the difficulty some schools had incorporating the principle of cultural diversity. It welcomed the initiatives being taken to assist vulnerable groups. Morocco made recommendations.

42. Responding to the request from the United Kingdom for information on how New Zealand was addressing the poor outcomes for Māori in terms of health, education, housing and employment, it described the Whānau Ora (family health) programme. Over 150 health and social service providers had come together as Whānau Ora collectives to develop services working directly with Māori families to identify their needs and aspirations. Common themes included better lives for children; employment; housing and home ownership; education and skills development; and health and cultural well-being. Early results of the programme showed positive signs of change: Kaiti School in Gisborne had reported a fall in illness and a consequent rise in attendance. While initial feedback from families showed high levels of satisfaction, the Government was continually assessing its services in order to improve them where possible.

43. New Zealand confirmed that addressing child poverty was a key priority for the Government. Poverty in New Zealand was generally understood as "exclusion from a minimum acceptable way of life in one's own society because of a lack of adequate resources". Child poverty rates were in the middle of the international league tables published by the Organisation for Economic Co-operation and Development.

44. Children in New Zealand had access to free education, health care and, where necessary, welfare for their parents. The Government's approach in addressing child poverty was to promote social mobility, moving families out of poverty through paid employment driven by economic growth and improved educational performance. New Zealand was testing a change in the delivery of social services through the Social Sector Trials, which supported decision-making at the local level and strengthened coordination at every level of government and within the community.

45. The Government also focused on children's engagement and success in education, particularly on increasing vulnerable children's participation in early childhood education.

46. The 2013 budget had contained numerous child poverty initiatives: a $NZ 9.5 million investment over five years to help extend the KickStart school breakfast programme; the provision of $NZ 500,000 a year over three years to help the charity KidsCan provide health products, raincoats and shoes for children in need; and a $NZ 45 million investment in the Rheumatic Fever Prevention Programme.

47. New Zealand clarified that its constitutional arrangements were based on the Constitution Act and other legislation, such as the New Zealand Bill of Rights Act, the Treaty of Waitangi, court decisions, constitutional practice and the wider context of

New Zealand's international obligations. The arrangements continued to evolve through engagement with Māori and through negotiation and acceptance of new international commitments.

48. New Zealand had established an independent Constitutional Advisory Panel in 2010. In 2013, the Panel had found that, while there was not broad support for a supreme constitution, there was support for entrenching some elements. The Panel's recommendations had included a review of the New Zealand Bill of Rights Act and support for the continued development of the role and status of the Treaty of Waitangi. The key recommendation was that the Government should actively support a continuing conversation on constitutional issues. The Government was currently considering the recommendations; any changes would need to be carefully examined and have broad public support.

49. Myanmar highlighted the country's impressive achievements in promoting women's participation, particularly in government. It appreciated measures taken to benefit Māori and welcomed the publication of the White Paper on Vulnerable Children and the introduction of the Vulnerable Children Bill.

50. Namibia commended government efforts to improve the lives of persons with disabilities, including the Funded Family Care scheme which provided financial assistance to family caregivers. It made recommendations.

51. The Netherlands welcomed the leadership New Zealand had provided to enhance the rights of lesbian, gay, bisexual and transgender (LGBT) people and same-sex couples, including the introduction of the Marriage Amendment Act 2013. It noted some gaps with regard to the right to education and work for Māori and persons with disabilities, violence against women, child poverty and abuse. It made recommendations.

52. Nicaragua applauded advances made in harmonizing national legislation through broad consultations with all social actors. It acknowledged the leadership role of New Zealand alongside other countries in helping to guarantee women's rights and progress towards gender equality. Nicaragua made recommendations.

53. The Niger welcomed the action New Zealand had taken in response to recommendations, particularly concerning legislation and policy measures in the areas of anti-discrimination, education, employment, health and social protection. It commended New Zealand for the Marine and Coastal Area Act 2011 and its cooperation with the treaty bodies. It made a recommendation.

54. Nigeria welcomed the country's engagement with OHCHR. It asked New Zealand to address the controversial issues around public health and the Disability Strategy. It called on New Zealand to ensure that government programmes benefitted all individuals without discrimination. It made a recommendation.

55. Norway welcomed the move to support the United Nations Declaration on the Rights of Indigenous Peoples and achievements in promoting gender equality and women's rights. It was encouraged by the determination of New Zealand to do more to address violence against women through measures to empower them and improve their rights. Norway made recommendations.

56. Oman noted that constitutional discussions were a priority for New Zealand in its efforts to improve human rights. It commended New Zealand for its strategies concerning people with disabilities and children at risk and the progress it had made in the provision of basic services such as health, transportation and housing. It made a recommendation.

57. Paraguay appreciated the recognition of New Zealand of the need to strengthen relations between the Government and Māori and its objective of reducing the high level of

domestic violence. It noted policies aimed at Māori, particularly health and education programmes. It commended the ratification of OP-CRC-SC. Paraguay made recommendations.

58. The Philippines welcomed continued efforts to build a strong legal framework to protect migrant workers. It applauded changes in immigration operating policies to allow immigrants who lodged complaints to continue living in New Zealand and have access to remedies. It hoped that New Zealand would consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW) and International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189).

59. Portugal welcomed the commitment to promoting equality and non-discrimination. It encouraged the priority given to improving the protection of children against abuse and to reducing domestic violence, in particular its impact on women and children, through the adoption of appropriate measures. It made recommendations.

60. The Republic of Moldova noted the priority given to ensuring that the human rights impacts of the Canterbury earthquakes were taken into account in the rebuilding process. It asked whether New Zealand would consider gradually withdrawing its reservations to the Convention on the Rights of the Child. It made a recommendation.

61. Romania welcomed efforts to address the effects of long-term situations that at times harmed the rights of the citizens. It congratulated New Zealand for its cooperation with human rights mechanisms and its commitment to promoting them. It made a recommendation.

62. Slovakia applauded efforts to further strengthen children's rights through the ratification of OP-CRC-SC and encouraged its effective implementation. It made recommendations.

63. Slovenia welcomed the ratification of OP-CRC-SC and the Government's efforts to reduce domestic violence and its impact on women and children, which were a matter of concern. It made recommendations.

64. Somalia congratulated New Zealand on the achievements described in its report. It made recommendations.

65. Spain welcomed new legislation to ensure respect of economic, social and cultural rights and efforts to reduce child poverty and combat gender-based violence. It made recommendations.

66. Sri Lanka noted efforts to reduce violence against women and improve their economic independence and participation in governance. It welcomed the ratification of OP-CRC-SC and the Vulnerable Children Bill. It welcomed the announcement of further measures to combat the exploitation of migrant workers. It made recommendations.

67. The State of Palestine welcomed the progress made to promote equality and non-discrimination in ensuring the rights of indigenous peoples. It commended the ratification of OP-CRC-SC and the launch of the White Paper for Vulnerable Children and the Children's Action Plan. It made recommendations.

68. Switzerland praised the Treaty settlement process. It remained concerned at the numerous cases of domestic violence, abuse and harassment, and at inequalities in health-care provision, education and salaries, particularly affecting Māori and Pacifika people. It was also concerned that the new legislation on intelligence-gathering might affect privacy and freedom of expression. It made recommendations.

69. In response to a comment from Iran (Islamic Republic of), New Zealand reaffirmed that torture did not occur in New Zealand.

70. In response to a comment from Namibia on the use of tasers, New Zealand clarified that police officers were routinely unarmed, that all tasers had an automatic video function when in use, and that every incident of taser use was investigated. The use of tasers had certainly saved lives; there had been no substantiated incidents of misuse since their introduction, and they would remain in service.

71. New Zealand was very diverse for a small country with a bicultural foundation; it was home to 213 different ethnicities and over 120 languages. In 2013, New Zealand had run successful training programmes for ethnic leaders, women and youth. The programmes would be extended further in 2014. To improve accessibility, the Government also offered a national telephone interpreting service offering interpreting services in 44 different languages.

72. The Immigration Amendment Act dealt with the eventuality of an illegal mass arrival on New Zealand shores. New Zealand recognized that the irregular movement of refugees and asylum seekers and people smuggling were significant issues globally and in the region. New Zealand remained committed to the Convention relating to the Status of Refugees, the Bali process and its own annual refugee quota under the resettlement programme of the Office of the United Nations High Commissioner for Refugees. In response to interventions from Iran (Islamic Republic of), the Philippines and Sri Lanka, New Zealand described the aims of its comprehensive migrant settlement strategy.

73. New Zealand was committed to reducing victimization and improving support services to victims of crime. In 2011, the Victims Centre had been established in the Ministry of Justice to oversee victims' rights and services. New Zealand noted the recent passage of the Victims' Orders Against Violent Offenders Bill, which would create a new non-contact order to protect victims of sexual and serious violent offences.

74. In response to a question from Morocco on anti-corruption, New Zealand referred to the Organised Crime and Anti-Corruption Bill, which would be introduced in the near future. It would increase the effectiveness of efforts to tackle money laundering, identity crime and human trafficking, improve the country's ability to assist other countries in criminal investigations and proceedings and strengthen the compliance of New Zealand with the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. Following enactment of the Bill, New Zealand would be able to ratify the United Nations Convention against Corruption.

75. Thailand applauded efforts to promote the rights of women, children, persons with disabilities and LGBT people. It recognized efforts to settle grievances regarding the Treaty of Waitangi, but expressed concern at the over-representation of Māori among the prison population. Thailand made recommendations.

76. The former Yugoslav Republic of Macedonia noted the recognition by New Zealand of the importance of individual complaints procedures and encouraged the Government to make a declaration under article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD). It asked whether the Government would request publication of the report of the Subcommittee on Prevention of Torture following its 2013 visit.

77. Timor-Leste congratulated New Zealand on the ratification of OP-CRC-SC and on the launch of the Children's Action Plan and the Vulnerable Children Bill. It made recommendations.

78. Togo congratulated New Zealand on progress made since the first UPR cycle. It commended the ratification of OP-CRC-SC and the close cooperation with human rights mechanisms, in particular the financial contributions made to OHCHR activities. Togo made recommendations.

79. Trinidad and Tobago commended New Zealand on strengthening the partnership between the Government and Māori. It applauded the efforts made following the Canterbury earthquakes to rebuild the city, especially with respect to creating sustainable and meaningful employment for women. It made recommendations.

80. Tunisia noted progress made since 2010, including the ratification of OP-CRC-SC and the preparation of the Second National Action Plan on Human Rights. It encouraged further efforts to combat discrimination with a view to eliminating stereotypes of migrants, refugees and asylum seekers. Tunisia made recommendations.

81. Turkey commended New Zealand for its commitment to the rule of law. It applauded specific efforts to eliminate socioeconomic disparities among various population groups, particularly Māori people, minority and migrant groups. It noted that, despite efforts to reduce child poverty and abuse, further action was necessary. Turkey made recommendations.

82. Ukraine praised efforts to implement various recommendations made during the first UPR cycle. It encouraged the Government to reinforce efforts to combat trafficking in persons and to strengthen policy and practice to prevent the sexual exploitation and abuse of migrants, especially children. Ukraine made recommendations.

83. Algeria welcomed efforts to protect Māori and persons with disabilities, and to strengthen gender equality. It encouraged the New Zealand Human Rights Commission to continue developing the Second National Action Plan. It recognized that further efforts were needed to combat child poverty and all forms of discrimination and to strengthen migrants' rights. Algeria made recommendations.

84. The United States of America commended efforts to strengthen the partnership between the Government and Māori regarding the settlement of historical claims under the Treaty of Waitangi. It expressed concern at the challenges relating to trafficking in persons, such as identification of victims. It made recommendations.

85. Uruguay praised progress made with regard to protecting children against abuse and abandonment and in reducing domestic violence. It also highlighted the ratification of OP-CRC-SC and support for the United Nations Declaration on the Rights of Indigenous Peoples. Uruguay made recommendations.

86. Viet Nam applauded the continued efforts of New Zealand and its achievements in the areas of legislative reform, strengthening of human rights institutions, and the rights of children, persons with disabilities, Māori and Pacifika people. Viet Nam made recommendations.

87. Afghanistan noted with satisfaction steps taken to ensure respect for the human rights of citizens during decision-making processes. It commended the Government's considerable investment in essential health care and transport infrastructure, and in housing rebuilding programmes. Afghanistan made a recommendation.

88. Albania commended New Zealand for its commitment to safeguarding cultural diversity and including all population groups in all areas of public life. It welcomed the welfare reform which aimed to redress socioeconomic disparities and to provide assistance, especially to marginalized communities and vulnerable groups.

89. The United Kingdom commended New Zealand for recognizing the problem of domestic violence and noted the measures in place to address that issue. It also noted the

Government's intention to tackle remaining racial discrimination in the country. It made recommendations.

90. Angola welcomed the ratification of OP-CRC-SC and the support for the United Nations Declaration on the Rights of Indigenous Peoples. It commended New Zealand for its commitment to combating racial discrimination, xenophobia and intolerance, and its constructive role in the preparation of the Durban Declaration and Programme of Action. Angola made a recommendation.

91. Argentina highlighted the priority given to strengthening Government-Māori relations, the improvement in the protection of children against mistreatment and neglect and the reduction of domestic violence and encouraged New Zealand to continue action in those areas. Argentina welcomed measures to improve the rights of LGBT people. It made recommendations.

92. New Zealand provided further information on the Treaty of Waitangi settlements process and indigenous rights. Settlements might include land, money and an apology from the Government. In most cases, legislation providing for the settlements was approved by all parties in Parliament. The Government sought to negotiate settlements for historical Treaty grievances that were timely, fair and durable and aimed to reach agreements with all willing and able claimant groups in the forthcoming years. The Government had established a Post Settlement Commitments Unit in recognition of the ongoing relationship matters that arose from Treaty settlements.

93. In response to advance questions and comments regarding engagement with Māori concerning the Marine and Costal Area, New Zealand confirmed the Government had received 34 applications since the Marine and Coastal Area (Takutai Moana) Act had been passed in 2011. The Government would monitor the number and provenance of applications and consider establishing a programme to promote a direct engagement mechanism among Māori closer to the 2017 application deadline.

94. New Zealand had established a Ministerial Committee on Disability Issues in 2009 to provide increased coordination across agencies and advance implementation of the New Zealand Disability Strategy and the Convention on the Rights of Persons with Disabilities (CRPD). Those priorities had been outlined in the Disability Action Plan. The Committee would develop a mechanism to implement the obligation under article 4, paragraph 3 of CRPD to ensure that the representative organizations of persons with disabilities were involved in development of legislation and policy relevant to them and to recognize the importance of having leadership on disability issues come from persons with disabilities themselves.

95. New Zealand confirmed that accession to the Optional Protocol to CRPD was a key consideration. The Government's Funded Family Care scheme, introduced in 2013, invested SNZ 23 a year million in supporting family carers of persons with disabilities.

96. The Māori Disability Action Plan, launched in 2012, provided strategic direction until 2017 to meet the support needs and priorities of Māori persons with disabilities and their whānau (families) through Disability Support Services.

97. Responding to an advance question from Germany, New Zealand noted that many of the Better Public Services programmes focused on reducing inequalities between Māori and Pacific people and other New Zealanders. The programmes set goals for the public sector to track and achieve in order to deliver faster, smarter and more effective public services. For instance, new health services in urban centres focused on Pacific children, providing rapid access nurse-led community services to reduce rheumatic fever.

98. New Zealand children aged between 5 and 19 years had the right to free education. The Government was addressing the particular challenges that some children faced in

accessing education, particularly Māori, Pasifika, and children with disabilities, through measures such as the Pasifika Education Plan and the Māori Education Strategy. The Government had a target for all schools to demonstrate inclusive practice by 2014.

99. Australia commended the Taskforce for Action on Violence within Families Programme of Action 2012/13 and acknowledged the White Paper for Vulnerable Children and initiatives to address child poverty. It supported the review to consider the place of the Treaty of Waitangi in constitutional arrangements and welcomed the development of a human rights action plan, in consultation with stakeholders. Australia made recommendations.

100. Bangladesh raised concerns over the continued discriminatory treatment against Māori, in particular Māori women, and Asian and Pacific communities and migrants. It expressed concern at the potential negative impact on Māori women of new social security legislation and women's exploitation in the media. Bangladesh made recommendations.

101. Benin welcomed the strengthening of the partnership between the Government and Māori, and the protection of children against neglect and abuse. It acknowledged important challenges, including gender pay gaps, the economic and social rights of persons with disabilities and the fight against racism. Benin made a recommendation.

102. Botswana noted the responses of New Zealand to recommendations made during the first UPR cycle, and its efforts to address socioeconomic inequalities, racism, xenophobia and violence against women. It commended efforts in the administration of justice by amending the Legal Services Act, which ensured provision of legal aid. Botswana made recommendations.

103. Brazil noted progress in improving women's economic independence and called on New Zealand to guarantee the right to education for all women, in particular young and minority women and teenage mothers. It welcomed endeavours to address racism and xenophobia in education. Brazil made a recommendation.

104. Burkina Faso commended human rights achievements despite multiple challenges. It noted efforts to improve children's rights and to increase women's representation in decision-making and electoral positions. It welcomed the commitment to combating maternal morbidity and mortality in partnership with Colombia and Burkina Faso. It made recommendations.

105. Cabo Verde welcomed the considerable progress made since the first UPR cycle, particularly regarding the situation of indigenous peoples, women and persons with disabilities. It highlighted the importance of follow-up to the study on the possibility of the integration of the principles of the Treaty of Waitangi in domestic law by a constitution. It made recommendations.

106. Cambodia praised ongoing efforts, particularly to improve the situation of indigenous peoples, following the first UPR cycle. It welcomed the implementation of the Domestic Violence Act and the Campaign for Action on Family Violence. It made a recommendation.

107. Canada asked about the timelines for the completion of the Second National Action Plan on Human Rights and its main areas of focus. It acknowledged progress made to increase women's participation in public sector governance. Canada made recommendations.

108. Chad was pleased that the national report had been prepared in accordance with Human Rights Council guidelines and in cooperation with civil society stakeholders. It noted that most of recommendations from the first cycle had been accepted, and

commended New Zealand on its implementation of many international instruments. Chad made a recommendation.

109. Chile noted the commitment of New Zealand to the universal system of human rights and its leadership in the field of disabilities and maternal mortality and morbidity. It applauded developments to promote and protect the rights of women and children and to combat child poverty. Chile made recommendations.

110. China noted the development of the Second National Action Plan on Human Rights and measures adopted to protect vulnerable groups, such as women, children and persons with disabilities. It noted ongoing problems concerning the protection of the rights of minorities. China made recommendations.

111. The Congo applauded the ratification of OP-CRC-SC and the measures adopted to finance a range of local and national initiatives to address the needs of children and vulnerable families. It made recommendations.

112. Côte d'Ivoire welcomed the inclusive consultative process within the framework of the current review. It applauded the commitment to improving women's rights and noted with satisfaction steps taken to protect children and persons with disabilities and reduce domestic violence. It made recommendations.

113. Cyprus praised progress made to advance the rights of Māori and the ratification of OP-CRC-SC. It expressed concern at the situation of women's rights and the levels of violence against women, including sexual violence. Cyprus made recommendations.

114. The Czech Republic welcomed the responses to many of the recommendations made during the first UPR cycle, especially with regard to the elimination of violence against women, but expressed concern at the persisting problem. It applauded the adoption of the Marriage Amendment Act. It made recommendations.

115. Djibouti commended New Zealand for its progress on the protection and promotion of human rights. Djibouti made recommendations.

116. Ecuador noted recent progress made in the sphere of human rights, such as the implementation of policies to protect and guarantee the rights of persons with disabilities and measures adopted to improve conditions for LGBT persons. Ecuador made recommendations.

117. Egypt applauded progress made regarding the situation of migrants and encouraged further efforts to combat stereotypes against migrants and other minorities. It requested information on the interplay between international human rights obligations and national laws in the context of judicial proceedings. Egypt made recommendations.

118. Iraq welcomed the consultation mechanism and process undertaken with civil society, the open invitation to all special procedures mandate holders and the ratification of OP-CRC-SC. Iraq made a recommendation.

119. Responding to Jamaica and Montenegro on the issue of underage and forced marriage, New Zealand stated that it actively supported efforts to eliminate the practice of forced marriage. Sexual connection with a person under the age of 16 in New Zealand was illegal. Any forced marriage could lead to prosecution for rape and was punishable by a term of imprisonment of up to 20 years. It was also an offence to conspire or to be a party to any such offence. The Government was not aware of any substantiated claims of underage or forced marriage in New Zealand. However, it was seeking advice on the issue and was conscious of the difficulties victims faced in reporting such practices.

120. New Zealand had introduced several measures to reduce the level of family violence, such as Family Violence Courts, a Family Court review, the safe@home project,

the Victims' Orders Against Violent Offenders Bill, and the Taskforce for Action on Violence within Families.

121. Responding to the intervention of Brazil on bullying, New Zealand advised that it was bringing forward a Harmful Digital Communications Bill that created a new civil enforcement regime to deal with harmful digital communications such as cyberbullying.

122. New Zealand was considering becoming party to the International Convention for the Protection of All Persons from Enforced Disappearance. The New Zealand Cabinet would consider whether to sign the Convention in 2014.

123. The Canterbury earthquakes had been one of the most significant challenges faced by any New Zealand governm..ent. Since the first earthquake in September 2010, there had been more than 11,000 in the Canterbury region, which included the country's second largest city, Christchurch. The earthquakes were so severe that the ground had liquefied in some areas. The estimated earthquake damage was $NZ 40 billion, equivalent to 20 per cent of GDP. It was a devastating event for a small country and New Zealand was grateful for the substantial international assistance received from a number of countries.

124. The earthquakes presented challenges regarding the restoration of people's dignity and fundamental rights. The Canterbury Earthquake Recovery Authority had been established in response to the earthquakes and the Government Recovery Strategy included provisions for economic, social, and cultural recovery and for the built and natural environment.

125. Responding to an advance question from Spain, New Zealand acknowledged the trauma experienced by Cantabrians. The Government had delivered short-term counselling services; increased community health, alcohol and drug services; initiated an extensive health promotion marketing campaign; provided resilience and stress-management training for health, social service and education workforces; and provided mental health services in schools to support children and young people. Those services were ongoing.

126. The New Zealand Human Rights Commission was currently preparing the Second Action Plan on Human Rights, a key human rights policy document that would identify issues to consider over the forthcoming five years. The timing of the document had been calibrated so that recommendations from the Universal Periodic Review could inform the Second Action Plan.

127. New Zealand thanked the President of the Human Rights Council and noted that the Government would carefully consider all recommendations before responding formally.

II. Conclusions and/or recommendations**

128. **The following recommendations will be examined by New Zealand, which will provide responses in due time, but no later than the twenty-sixth session of the Human Rights Council in June 2014:**

128.1. **Consider becoming a party to the International Convention for the Protection of All Persons from Enforced Disappearance (CPED) (Montenegro);**

128.2. **Sign and ratify the CPED and recognize the competence of its Committee (France);**

** The conclusions and recommendations have not been edited.

128.3. **Accelerate the domestic legislative process for preventing and combating enforced disappearances, in order to enable accession to CPED and recognize the competence of its Committee (Uruguay);**

128.4. **Continue efforts towards ratifying the CPED and accept the competence of its Committee (Argentina);**

128.5. **Ratify the CPED (Burkina Faso);**

128.6. **Consider ratifying the Optional Protocol to the Convention on the Rights of Persons with Disabilities (OP-CRPD) (Spain);**

128.7. **Ratify the OP-CRPD (Hungary);**

128.8. **Consider becoming a party to the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (OP-ICESCR) (Montenegro);**

128.9. **Consider ratifying the OP-ICESCR (Spain);**

128.10. **Supplement its legislation in matters of human rights protection and promotion by ratifying other international instruments, in particular the CPED and the OP-ICESCR (Tunisia);**

128.11. **Ratify OP-ICESCR and the Optional Protocol to the Convention on the Rights of the Child on a communications procedure (OP-CRC-IC) (Portugal);**

128.12. **Ratify the OP-CPRD and the OP-CRC-IC (Morocco);**

128.13. **Ratify International Labour Organization (ILO) Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries (Nicaragua);**

128.14. **Ratify and implement ILO Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries (Norway);**

128.15. **Consider ratification of the Optional Protocol to the Convention on the Rights of the Child on a communications procedure (OP-CRC-IC) (Slovakia);**

128.16. **Become a party to the remaining Optional Protocol to the Convention on the Rights of the Child on a communications procedure (Thailand);**

128.17. **Consider acceding to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW) (Egypt);**

128.18. **Sign and ratify the ICRMW (Turkey);**

128.19. **Ratify the ICRMW, signed in 2007 (Algeria);**

128.20. **Ratify the ICRMW (Burkina Faso);**

128.21. **Ratify the ICRMW (Chad);**

128.22. **Ratify the ICRMW, the Convention relating to the Status of Stateless Persons, and the Convention on the Reduction of Statelessness (Iran (Islamic Republic of));**

128.23. **Ratify the ICRMW; the CPED; the 1954 Convention relating to the Status of Stateless Persons and ILO Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries (Ecuador);**

128.24. **Ratify the 1954 Convention relating to the Status of Stateless Persons and consider the possibility of establishing a procedure for the determination of statelessness in its national legislation (Argentina);**

128.25. **Increase efforts for the ratification of the Arms Trade Treaty with the aim of consolidating common international norms to regulate international trade in conventional arms, ammunition and parts and components, contributing to peace and security, reducing human suffering and promoting cooperation and transparency (Uruguay);**

128.26. **Endeavour to ratify without delay all international human rights statutes that it has yet to sign (Nigeria);**

128.27. **Continue efforts in strengthening its national framework to ensure that the principles of inclusivity and non-discrimination are incorporated fully, including through, inter alia, the ratification of the ICRMW and the possibility of the inclusion of the ECOSOC rights in the national human rights norms (Indonesia);**

128.28. **Continue the efforts in favour of the promotion of the rights of certain populations with a view to further improving their situation, and accelerate the process of adaptation of domestic legislation to envisage the ratification, then the incorporation in its domestic legal order, of several relevant international instruments in the area (Niger);**

128.29. **Further enhance the legislation and legal system, with more considerations to the harmonization of domestic developments and the international stipulations on human rights, including those of the International Covenants on Civil and Political Rights and on Economic, Cultural and Social Rights (Viet Nam);**

128.30. **Continue its reflections and work with a view to having a written Constitution (Benin);**

128.31. **Within the context of its legislative review process, fully incorporate international human rights instruments to which it is party in its domestic legal framework (Nicaragua);**

128.32. **Incorporate economic and social rights in its Human Rights charter (Togo);**

128.33. **Incorporate economic, social and cultural rights in the Bill of Rights Act (Ukraine);**

128.34. **Incorporate economic, social and cultural rights in the Bill of Rights of 1990, while taking measures to ensure that the competent authorities review the bills, regulations and policies so that these are compatible with the provisions of ICESCR (Uruguay);**

128.35. **Proceed to the review of the Bill of Rights Act of 1990 in order to incorporate ratified international agreements on economic, social and cultural rights (Spain);**

128.36. **Enshrine, in the framework of the current constitutional review, the principle of equality between men and women, and redouble efforts to improve the situation of the Māori and the Pacifika in the areas of health and employment on one hand, and strengthen the specific measures taken in their favour to raise the level of education of their children on the other hand (Congo);**

128.37. **Continue its efforts in advancing its Constitutional Review process including constitutional issues affecting the Māori people (Trinidad and Tobago);**

128.38. **Continue to address all forms of political, economic and social discrimination against the Māori and Pacific population by meeting their various demands for constitutional and legal reforms and recognition (Somalia);**

128.39. **Given the current constitutional review, fully incorporate the principle of equality between men and women and adopt a legal definition of gender-based discrimination, without overlooking to establish legislation which provides for the right to equal pay for work of equal value between men and women (Paraguay);**

128.40. **Explore and develop, in consultation with the Māori, means of addressing Māori concerns regarding the Treaty settlement process (Slovenia);**

128.41. **Continue strengthening the partnership between the Government and the Māori to reach a just, fair and sustainable settlement to historical claims made in the framework of the Treaty of Waitangi (Angola);**

128.42. **Develop a new human rights action plan under the auspices of the New Zealand Human Rights Commission (Burkina Faso);**

128.43. **Continue implementing the second national human rights action plan (Côte d'Ivoire);**

128.44. **Strengthen interministerial coordination for a better implementation of the current Children's Action Plan (Spain);**

128.45. **Consider participation of the Parliament in a human rights commissioner's appointment process (Ukraine);**

128.46. **Sharing the recommendation by some treaty bodies, establish a parliamentary human rights select committee (Turkey);**

128.47. **Take further measures to ensure full and consistent protection of human rights in domestic law and policies, taking into account the recommendations made by United Nations human rights bodies and the New Zealand Human Rights Commission (Netherlands);**

128.48. **Increase its official development aid to reach the international norm of 0.7 per cent of GDP (Tunisia);**

128.49. **Increase the level of its contribution of official development assistance (ODA) to attain 0.7 per cent of gross national income (Bangladesh);**

128.50. **Maintain its contributions of Official Development Assistance (ODA) at the internationally agreed level of 0.7 per cent of its GNP (Egypt);**

128.51. **Speed up the rebuilding and compensation process in the aftermath of the Canterbury earthquakes (Germany);**

128.52. **Consider policies in relation to gender mainstreaming, adequacy of housing and access to buildings for persons with disabilities in the post-recovery efforts of the Canterbury earthquakes (Trinidad and Tobago);**

128.53. **Facilitate the realization of economic, social and cultural rights through the reconstruction of the areas affected by earthquakes in 2010 and 2011 (Algeria);**

128.54. **Ensure that all national legislation currently in force relating to children is in conformity with the Convention on the Rights of the Child, guaranteeing that the principles and provisions of that Convention and its protocols are applicable to every child in its territory (Uruguay);**

128.55. **Continue efforts aimed at promoting the rights of children, in particular in the spheres of education, elimination of child poverty, meeting needs of vulnerable and at-risk children (Ukraine);**

128.56. **Further strengthen its efforts in ensuring the protection of children's rights, including by fully implementing the 2013 Vulnerable Children Bill and by considering implementing the restorative justice principles to all children (Indonesia);**

128.57. **Continue its efforts to protect the rights of the child and reduce child poverty and violence (Australia);**

128.58. **Continue improving the situation of children in its multiple dimensions and taking into account the recommendations of the Advisory Group of Experts on solutions to child poverty (Cabo Verde);**

128.59. **Establish indicators to measure child poverty and consider adopting additional measures for reducing poverty amongst youth (Canada);**

128.60. **Further strengthen and expand national action plans to reduce child poverty and that of their families (Chile);**

128.61. **Take all necessary measures to provide appropriate support to allow disadvantaged families and their children to move out of poverty sustainably and continue to provide assistance to those who remain under the poverty line (Malaysia);**

128.62. **Take measures to reduce inequalities between social categories, in particular regarding the youth (Côte d'Ivoire);**

128.63. **Increase its efforts in fighting poverty, particularly of disadvantaged children in the country (Djibouti);**

128.64. **Promote employment, the right to health and judicial fairness for Māori and the Pacific Islanders and raise the level of education for their children (China);**

128.65. **Continue to prioritize policies aimed at further improving the socioeconomic condition of the Māoris and the Pacific peoples (Mauritius);**

128.66. **Reduce the remaining socioeconomic differences for Māoris and Pacific Islanders, and increase efforts in the fight against child poverty (Germany);**

128.67. **Combat child poverty, in particular that which affects Māori children, those who live in the Pacific islands and children with disabilities (Mexico);**

128.68. **Intensify the fight against inequalities (Gabon);**

128.69. **Step up the implementation of current national plans for addressing the challenges and disparities in health, education, employment and gender equality, especially for the vulnerable groups of women, children, migrants, ethnic and indigenous people in the country (Viet Nam);**

128.70. **Further strengthen actions to ensure that economic and social rights of vulnerable people are protected, and women's rights and gender equality, and especially take specific policy measures to prevent child poverty and child abuse (Netherlands);**

128.71. **Continue to pursue an integrated approach to cases of compounded vulnerability caused by multiple and intersecting forms of discrimination (Jamaica);**

128.72. **Combat all forms of discrimination in the areas of employment, salary, health and education against, in particular, persons belonging to marginalized populations (France);**

128.73. **Continue on the constructive path of promoting equality and non-discrimination, including through advancing the rights of indigenous peoples (State of Palestine);**

128.74. **Continue efforts to address gaps in social service delivery and education programmes and to address societal discrimination against indigenous persons and individuals belonging to ethnic minority groups (United States of America);**

128.75. **Establish strategies across all sectors, in particular health, education and justice, to identify and remedy structural discrimination (Switzerland);**

128.76. **Take further steps fully to understand the causes of inequality faced by indigenous people and to minimize their effects (United Kingdom of Great Britain and Northern Ireland);**

128.77. **Enhance its efforts in fighting discrimination and institutional biases against Māori and Pacific people (Czech Republic);**

128.78. **Redouble its efforts to improve the socioeconomic situation of the Māori by combating structural discrimination, in particular by increasing the level of education of Māori children (Djibouti);**

128.79. **Take further steps in advancing the human rights of its indigenous populations and intensify its efforts in combating discrimination against them, especially in education, health care and employment (Greece);**

128.80. **Continue to address inequalities affecting human rights in the areas of health, education, employment and income that disproportionately affect Māori and other minority groups (Australia);**

128.81. **Step up efforts, in consultation with Māori and Pasifika communities, to address and prevent discrimination against members of the Māori and Pasifika communities in the criminal justice system and, in particular, the high rate of incarceration (Ireland);**

128.82. **Continue its search for creative and integrated solutions to the root causes that lead to disproportionate incarceration rates of the Māori population (Cabo Verde);**

128.83. **Set targets for increasing Māori participation in policing, the judiciary and the penal system (Canada);**

128.84. **Continue its efforts to address the situation of half the prison population in the country being Māori through, among other things, its Drivers of Crime initiative and Youth Crime Action Plan recently launched (Thailand);**

128.85. **Expedite the development of a new Māori language strategy (Bangladesh);**

128.86. **Commit fully to protecting and promoting indigenous rights through appropriate measures in law, policy and practice (Iran (Islamic Republic of));**

128.87. **Continue to promote measures to find a positive solution to the Māori population's land claims and promote public policies to reduce the social and economic gap between the Māori people and the rest of the population of New Zealand (Ecuador);**

128.88. **Ensure that the legislation includes a consultation process with indigenous peoples in all actions concerning them (Mexico);**

128.89. **Take concrete measures to ensure the implementation and promotion of the United Nations Declaration on the Rights of Indigenous Peoples (Norway);**

128.90. **Strengthen efforts to secure Māori political participation at the national level aiming on increasing Māori participation in local governance (Slovenia);**

128.91. **Continue to work towards full equality between men and women, building on its historical credits, as the first country in the world to give women the right to vote in national elections (Portugal);**

128.92. **Implement effective measures to achieve the aim of increasing the participation of women in governance to 45 per cent in the public sector and over ten per cent in the private sector by 2014 (Australia);**

128.93. **Put in place effective legislation that ensures that all men and women are equal before the law (Namibia);**

128.94. **Consider further improving existing legislation in order to close the gaps in the protection of women against discrimination (Cyprus);**

128.95. **Develop, in partnership with civil society, a national action plan for women with defined targets, to address issues such as violence against women, pay inequality, the situation of Māori and Pacific women, and women with disabilities (Ireland);**

128.96. **Ensure equality in law between men and women and take necessary measures to combat discrimination, particularly in order to reduce pay gaps (France);**

128.97. **Eliminate the gender pay gap across all groups and ethnicities using demonstrated effective mechanisms, including intensive monitoring processes and legislative levers (Malaysia);**

128.98. **Tighten the gap in salaries between men and women to achieve equality (Iraq);**

128.99. **Take steps to eliminate the gender pay gap across all groups and ethnicities (Sri Lanka);**

128.100. **Continue combating and condemning racism and hate speech used by politicians and the expression of racism in the media, in particular discriminatory language and hate speech and the dissemination of racist ideas and languages (Tunisia);**

128.101. **Ensure protection of migrants and minority groups, in particular of those of Asian origin, from all forms of racial stereotyping and derogatory treatment, including in line with the recommendation of CERD to develop a comprehensive legislative framework for addressing the problem of incitement to racial hatred on the Internet (Bangladesh);**

128.102. **Develop a comprehensive legislative framework for addressing the problem of racial discrimination and incitement to racial hatred, as recommended by CERD (Botswana);**

128.103. **Strengthen the measures aimed at combating racially motivated crimes and violence (Côte d'Ivoire);**

128.104. **Give full effect to recommendations 38 and 39 of the Committee on the Elimination of Racial Discrimination regarding racially motivated offences (Togo);**

128.105. **Continue its efforts to effectively implement the New Zealand Disability Strategy with a view to ensuring the full realization of human rights for persons with disabilities (Cambodia);**

128.106. **Continue its efforts to combat domestic violence, paying special attention to the situation of women and children (Romania);**

128.107. **Put in place a national strategy to combat domestic violence and child abuse (France);**

128.108. **That the measures taken to reduce domestic violence be followed up, adapted and extended on solid empirical bases (Switzerland);**

128.109. **Improve the monitoring and evaluation of domestic violence prevention programmes and agencies (United Kingdom of Great Britain and Northern Ireland);**

128.110. **Continue to strengthen measures and plans to address and effectively eradicate the causes of domestic violence against women, including training and capacity-building programmes on human rights for civil servants of the State that address this issue (Chile);**

128.111. **Put in place a comprehensive policy against violence to slightly reduce domestic/family violence and protect vulnerable populations (Congo);**

128.112. **Further improve programmes that address violence against women and children (Germany);**

128.113. **Enlarge the scope of the White Paper for Vulnerable Children and its Children's Action Plan by taking into account the relationship between child abuse and contributing factors such as domestic violence and poverty (Slovenia);**

128.114. **Allocate adequate resources to implement the legislative and administrative measures taken in order to prevent violence against women and children, including domestic violence, and provide victims with prompt and full support (Italy);**

128.115. **Strengthen measures to combat violence against women, and abuse and neglect of children (Namibia);**

128.116. **Enhance its efforts in combating violence against women (Greece);**

128.117. **Continue and increase its efforts to combat all forms of violence against women (Cyprus);**

128.118. **Pursue initiatives aimed at reducing violence against women, with focus on awareness-raising activities in this area (Slovakia);**

128.119. **Continue enhancing legislation and policies to fight the scourge of gender-based violence at its roots, and in particular strengthen awareness-raising campaigns both in the media and in educational establishments (Spain);**

128.120. **Set up a system collecting and analysing data on violence against women, and ensure that the implementation of legislation and policy concerning all forms of violence against women is effective and appropriately tailored to respond to real-life challenges on the ground (Czech Republic);**

128.121. **Continue to develop government-sponsored initiatives which focus solely on ending domestic violence and sexual and gender-based violence, particularly through implementing the recommendations of the Taskforce for Action on Sexual Violence and the National Sexual Violence Prevention Plan (Australia);**

128.122. **Take appropriate additional measures to address violence and abuse of women and children (Botswana);**

128.123. **Continue addressing the problem of child abuse, inter alia, through nationwide strategies aimed at improving the protection of children against abuse and neglect (State of Palestine);**

128.124. **Continue its efforts in addressing the challenges regarding the improvement of the protection of children against abuse and neglect (Timor-Leste);**

128.125. **Ensure full and consistent implementation of the Family Court Proceedings Reform Bill, in particular with regard to issuing immediate protection for victims of domestic abuse (Republic of Moldova);**

128.126. **Take immediate effective and legal measures to prevent and combat violence against women, in particular those belonging to minority groups (Iran (Islamic Republic of));**

128.127. **Develop, in consultation with all relevant actors, including representatives of indigenous communities, a comprehensive action plan to target gender-based violence against women, with clear goals and timelines for their implementation (Hungary);**

128.128. **Take necessary measures in order to prevent and combat sexual exploitation and abuse of vulnerable people, especially girl children (Iran (Islamic Republic of));**

128.129. **Take appropriate measures to collect data on and combat the emerging practices of forced underage marriage and female genital mutilation (Italy);**

128.130. **Take the necessary measures to prevent and sanction forced and early marriage and female genital mutilation and strengthen public policies in place to combat the high rates of violence against women, particularly against women belonging to minorities, migrant women and women with disabilities (Paraguay);**

128.131. **Increase efforts to investigate and prosecute alleged trafficking offenders, and adopt legislation that will expand New Zealand's current anti-trafficking legal framework to prohibit and adequately punish all forms of human trafficking (United States of America);**

128.132. **Consider relinquishing the use of electric taser weapons by the police (Namibia);**

128.133. **Establish appropriate national strategies with the aim to identify and address structural discrimination in the justice system (Iran (Islamic Republic of));**

128.134. **Provide, in accordance with its obligations under international human rights law instruments, effective protection for the family as the fundamental and natural unit of society (Egypt);**

128.135. **Exchange with other States its successful experience in the field of food security (Somalia);**

128.136. **Ensure primary health facilities are adequately equipped to provide care for persons with intellectual disabilities (Israel);**

128.137. **Step up efforts in providing equal access to health services to its people, particularly to the minority and indigenous peoples in the country (Malaysia);**

128.138. **Increase the number of childcare facilities and ensure that the most disadvantaged groups also have access to childcare subsidies under the Working Families Scheme (Kyrgyzstan);**

128.139. **Take additional measures to increase access to free education for children from low-income families and families living in rural areas (Kyrgyzstan);**

128.140. **Take measures to address obstacles to accessing free education (Namibia);**

128.141. **Particularly address the question of access to education and the situation of disadvantaged groups of women (Portugal);**

128.142. **Put in place further strategies and programmes focused on preventing violence against children in schools and families (Timor-Leste);**

128.143. **Intensify efforts to increase the levels of education for Māori and Pacific families while protecting and promoting their cultural heritage (Namibia);**

128.144. **Continue providing targeted support for cultural diversity in all schools (Morocco);**

128.145. **Continue the enhancement of dialogue between different religions and civilizations, based on the principle of peaceful coexistence and a culture of moderation and tolerance (Oman);**

128.146. **Go further and tackle the challenges which still persist concerning the rights of migrants, refugees, asylum seekers and their families and consider an eventual withdrawal of its reservations to the Convention on the Rights of the Child and a declaration in support of article 14 of ICERD (Brazil);**

128.147. **Take measures to reduce discrimination against migrants, especially those of Asian origin, in the labour market (China);**

128.148. **Intensify efforts to combat discrimination against migrants and take measures to support their integration into the community (Sri Lanka);**

128.149. **Reduce to the minimum possible the administrative detention of migrants, asylum seekers and refugees and only employ such measures in exceptional cases (Mexico);**

128.150. **Make sure the implementation of the new legislation (the Immigration Amendment Act) will not create unfair discrimination against genuine asylum seekers (Turkey);**

128.151. **Take effective action so that the Immigration Amendment Bill is fully accorded to the international standards in the treatment of persons in need of international protection and so it does not unfairly and arbitrarily discriminate against asylum seekers (Afghanistan);**

128.152. **Ensure that immigration legislation is in accordance with its international human rights obligations (Czech Republic);**

128.153. **Do not concede asylum seekers' transfer to detention centres in third countries (Czech Republic);**

128.154. **Ensure that the new legislation on surveillance of communications by the intelligence service complies with international law, particularly with the principle of proportionality (Switzerland);**

128.155. **Ensure that its counter-terrorism legislation and the national designation for terrorist groups are in full compliance with the legal safeguards enshrined in the ICCPR (Iran (Islamic Republic of)).**

129. **All conclusions and/or recommendations contained in the present report reflect the position of the submitting State(s) and/or the State under review. They should not be construed as endorsed by the Working Group as a whole.**

Annex

[English only]

Composition of the delegation

The delegation of New Zealand was headed by Hon. Judith Collins, Minister of Justice, Minister for Ethnic Affairs and Minister for Accident Compensation Corporation (ACC), and composed of the following members:

- Frank McLaughlin, Deputy Secretary Policy, Ministry of Justice;
- Amanda Ellis, Permanent Representative, New Zealand Permanent Mission, Geneva;
- Mere Pohatu, Regional Director, Tairāwhiti, Te Puni Kōkiri (Ministry of Māori Development);
- Carl Reaich, Deputy Permanent Representative, New Zealand Permanent Mission, Geneva;
- Charlotte Darlow, Unit Manager, United Nations, Human Rights and Commonwealth Division, Ministry of Foreign Affairs and Trade;
- Megan Wallace, Senior Private Secretary, Office of the Minister of Justice;
- Adam Dubas, Senior Adviser, Policy Group, Ministry of Justice;
- Alana Messent, First Secretary, New Zealand Permanent Mission, Geneva.

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Agenda item 6
Universal Periodic Review

Report of the Working Group on the Universal Periodic Review*

New Zealand

Addendum

Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review

* The present document was not edited before being sent to the United Nations translation services.

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Please recycle

1. New Zealand welcomes the recommendations made during its Second Universal Periodic Review on 27 January 2014. Following the review, the Government met with NGOs, interested individuals and the New Zealand Human Rights Commission and received 11 civil society submissions.

2. As set out below, New Zealand accepts 121 recommendations and rejects 34 recommendations. Accepted recommendations are those where we fully support the recommendation and implement it in practice. We reject recommendations for several reasons. With recommendations split across distinct areas we may accept only one part of that recommendation. Others, we accept the spirit behind the recommendation, but cannot commit to a specific proposed method of implementation. We have indicated in our responses where the reasoning lies.

3. The New Zealand Government is aware that some issues raised by the Human Rights Commission and NGOs in their UPR submissions were not reflected in the interactive dialogue and Working Group recommendations, for example issues around legal abortion and the rights relating to sexual orientation, gender identity and intersex people. We intend to follow up on these issues separately as part of our commitment to ongoing engagement with civil society on the UPR.

I. International treaties:

4. Accepted

1, 3, 4: New Zealand will consider acceding to the CPED, in accordance with its domestic processes, prior to New Zealand's third UPR.

6, 7: New Zealand is beginning the domestic treaty examination process with a view to acceding to the OP-CRPD.

15: New Zealand will consider the implications of signing and ratifying the OP-CRC-IC as part of its commitment to the CRC.

25: New Zealand will be able to ratify the ATT once its domestic law has been brought into line with the Treaty's requirements.

5. Rejected:

2, 5, 10, 24: New Zealand accepts the spirit of these recommendations, but is unable to accept them in full. New Zealand Parliament must consider all treaties before ratification.

8, 9: While New Zealand is not considering ratification of the OP-ICESCR at this stage, this may be reviewed later.

11, 12: New Zealand is considering beginning the domestic treaty examination process with a view to acceding to the OP-CRPD, (see response to recommendation 11).

13, 14: New Zealand will not ratify conventions or apply international standards that are inconsistent with New Zealand's unique legal, constitutional, and Treaty of Waitangi arrangements.

16: New Zealand will consider the implications of signing and ratifying the OP-CRC-IC as part of its commitment to the CRC.

17, 18, 19, 20, 21, 22, 23, 26: New Zealand is not considering ratifying the ICRMW.

II. Constitutional and legislative framework

6. Accepted:

28: New Zealand will continue to promote rights for vulnerable populations through various means.

29, 31, 47: Accepted in full.

30, 37: New Zealand is committed to the Treaty of Waitangi and supporting Crown-Māori relationships. The Government is currently considering a response to the Constitutional Advisory Panel's report, following the constitutional review process.

7. Rejected:

27: See recommendations 17 and 33.

32, 33, 34, 35: The Constitutional Advisory Panel recommended continuing the conversation on economic, social, and cultural rights.

36, 39: New Zealand's legislative framework provides protection against discrimination, including on the grounds of gender. We are already working towards addressing health and employment of Māori and Pasifika through other means.

38: The Government is committed to the Treaty of Waitangi and supporting Crown-Māori relationships, and engages with Māori and Pasifika about discrimination.

III. Human rights policy measures

8. Accepted:

42, 43: The Human Rights Commission is developing a second national human rights action plan.

44: Accepted in full.

9. Rejected:

45: The Human Rights Commission is an independent Crown entity. The Crown Entities Act 2004 specifies appointment by the Governor-General.

46: Parliament determines the nature of parliamentary committees, and all committees consider human rights implications of relevant legislation.

IV. Equality and non-discrimination

Children

10. Accepted:

V55, 56, 58, 142: New Zealand will continue to promote the rights of children, particularly vulnerable and at risk children, such as through Vulnerable Children Bill and the Children's Action Plan. The Government's response to the Advisory Group of Experts on solutions to child poverty lays out the Government's programme of action to address poverty.

59: New Zealand has established a range of income poverty and hardship measures.

57, 60, 61, 62, 63, 66, 67: The Government's primary approach for addressing poverty is to promote social mobility through paid employment driven by economic growth, clear work expectations, and improved educational performance, while ensuring that New Zealand's social security safety net continues to support people who cannot support themselves. New Zealand continues to work to reduce violence against children.

64: New Zealand has implemented significant changes to our social assistance systems. These include individualised support to all people including Māori and Pasifika.

65 (also 66): New Zealand will continue to seek to improve socioeconomic conditions of Māori and Pasifika in its policies.

138: New Zealand will meet the underlying principle of this recommendation through various means. The Government has set a target that in 2016, 98% of children starting school will have participated in quality early childhood education. The Government provides funding that supports providers of early childhood education, including for the most vulnerable children.

139, 140, 141: New Zealand already ensures children have access to free education.

11. Rejected:

54: New Zealand continues to progress towards greater compliance with the principles and provisions of UNCROC. Where inconsistencies exist, New Zealand will take the opportunity when creating or reviewing policy and legislation to further embed the Convention's principles and provisions.

Indigenous Peoples

12. Accepted:

76: New Zealand has placed a greater emphasis on evidence-based interventions to maximise the impact of services.

78: New Zealand will meet the underlying principle of this recommendation through *Ka Hikitia – Accelerating Success 2013-17.*

79, 80: New Zealand has set clear targets for improving social and economic outcomes, and has directed agencies to work more collaboratively with organisations in communities.

81, 82, 83, 84, 133: New Zealand will continue a focus on Māori and Pasifika groups in the context of work to reduce crime, including their overrepresentation in the justice system. New Zealand is committed to increasing Māori participation in the police force.

137: Accepted in full.

143, 144: New Zealand is working towards ensuring that all children and students experience educational success. For Māori and Pasifika, this requires the education system to acknowledge, support, and incorporate their needs, identity, language, and culture in their learning experiences.

Women

13. Accepted:

91, 92: New Zealand is committed to improving in three priority areas: greater economic independence for women, more women in leadership positions, and improving women's

safety from violence. The Ministry of Women's Affairs provides a nominations service that supports women in leadership in a variety of ways.

93, 94, 96, 97, 98, 99: New Zealand's legislative framework provides comprehensive protection against discrimination, including protection against discrimination on the grounds of gender, and a range of specific legislation which directly or indirectly protects. The Human Rights Commission, an independent institution, also has a focus on equal employment opportunities. New Zealand is working to address the underlying drivers of the gender pay gap.

14. Rejected:

95: New Zealand has established specific priorities to provide the greatest benefits to women and consequential benefits for New Zealand (see response to recommendation 91). New Zealand monitors both the status of women and the status of the population in general and has identified goals or targets associated with each priority.

Race

15. Accepted:

100, 101, 102, 103, 104: The Office of Ethnic Affairs fosters interaction between different ethnic groups and participation by everybody in all aspects of New Zealand life, runs a *Building Bridges* programme designed to promote a more positive mainstream reception of Muslims in New Zealand, provides training in intercultural awareness and communication, and offers services to assist organisations in establishing or improving their workplace ethnic diversity management strategies.

Persons with abilities

16. Accepted:

105: New Zealand has developed a Disability Action Plan in partnership with Disabled Persons' Organisations to effectively implement the Disability Strategy. It is intended that the Strategy will be updated in 2015.

136: New Zealand is exploring potential health improvement options for persons with intellectual disabilities and plans to engage with the intellectual disability sector on how to make health care more accessible to this group.

Migrants, refugees, and asylum seekers

17. Accepted:

146: The Immigration Act 2009 protects education providers from prosecution where they enrol children who are unlawfully in New Zealand. This change supports any future decision by New Zealand to withdraw the reservation to Article 2.

147, 148: New Zealand recognises that migrant integration into workplaces and communities requires adjustment for all migrant groups and their host communities. Facilitating this integration involves multiple government agencies.

149: New Zealand considers all means of facilitating the orderly and prudent administration of the Immigration Act prior to ordering the detention of individuals. Where a person is to

be detained, New Zealand ensures there is a prospect of some immigration activity regarding that person in the foreseeable future.

150: Under the Immigration Act 2009, the only way in which mass arrival asylum seekers are treated differently from others is by allowing for detention for up to six months under group warrants. This is a management mechanism, and has a number of protections built in to ensure that it is only used in a way which is fully compatible with New Zealand's human rights obligations.

151: The measures in the Act have been assessed against the international instruments to which New Zealand is a signatory.

152: The Immigration Act incorporates and codifies into New Zealand law the 1951 United Nations Convention Relating to the Status of Refugees and the 1967 Protocol Relating to the Status of Refugees. The Act also codifies certain obligations, and determines to whom it owes those obligations, under CAT and the ICCPR.

18. Rejected:

153: New Zealand does not want to disregard this as an option if circumstances change. Any use by New Zealand of offshore processing centres would require legislative amendment.

General:

19. Accepted:

68, 69, 70, 71, 72, 145: Accepted in full.

73: New Zealand is committed to maintaining ongoing partnerships with iwi, hapū and whānau Māori.

74: For example, New Zealand's investment in a Whānau Ora approach has increased Māori and Pacifica people's access to education, health and social services.

75, 77: We will continue to seek new ways to deliver health, education, and justice services in a way that meets the needs of people using those services.

154: Respect for human rights, individual privacy, and traditions of free speech in New Zealand were guiding principles in undertaking the review of the Government Communications Security Bureau Act 2003. The amendments to the Act were compliant with the Bill of Rights Act 1990. The GCSB Act will be subject to further review in 2015.

V. Right to life, liberty and security of the person

Violence against women and children

20. Accepted:

106, 108, 110, 111, 112, 115, 116, 117, 122, 123, 124, 128: New Zealand continues its commitment to end violence against women, and the neglect and abuse of children. There are a number of initiatives underway and further work is being developed.

107, 127: New Zealand provides a programme of action to further address family violence through the Taskforce for Action on Violence within Families. In addition it has developed, and is developing, plans to address targeted areas of violence against women and children.

109: The Cross-Government Review of Specialist Sexual Violence Services is working on integrated approaches to monitoring the performance and evaluating the effectiveness of the sexual violence sector.

114, 120, 125, 126: New Zealand is implementing legislative and policy measures to prevent violence against women and children, including the Family Court Proceedings Reform Bill. New Zealand recognises the importance of collecting accurate data.

118, 119: As part of the cross-Government review, a National Sexual Violence Primary Prevention Strategy has been developed which includes encouraging safe and respectful behaviour. The Government is implementing the Family Court Proceedings Reform Bill, and is committed to developing and promoting consistent policies, training, and messages around sexual violence.

121: Government agencies remain committed to ending gender-based violence. Implementation of these recommendations has been superseded by later work.

129, 130: New Zealand has legislation in place to prevent and sanction forced and underage marriage. Relevant government agencies have agreed to identify and support victims of forced and underage marriage. New Zealand also has legislation in place to prevent and address female genital mutilation.

21. Rejected:

113: The Children's Action Plan aims to protect vulnerable children from maltreatment. New Zealand has other programmes to address intimate partner violence and child poverty.

Other:

22. Accepted:

131: The Government is currently taking legislative steps to ensure New Zealand's anti-trafficking legislation is fully compliant with the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.

134: New Zealand continues to support families/whānau in New Zealand through legislation, and various initiatives.

135: Accepted in full.

155: New Zealand's primary counter-terrorism legislation is the Terrorism Suppression Act 2002, and complies with the legal safeguards enshrined in the ICCPR.

23. Rejected:

132: Tasers are an important tactical option to ensure the safety of both the public and police, since police in New Zealand do not routinely carry firearms. Any use of tasers is closely monitored.

VI. Indigenous peoples

24. Accepted:

40: Māori are encouraged to raise their concerns regarding the Treaty settlement negotiations process with officials and Ministers. Māori can also go to the Waitangi Tribunal to inquire into claims that the Crown has acted in breach of Treaty principles.

41: The strengthening of the relationship between the Crown and Māori is an integral part of the treaty settlement process and is reflected in every settlement.

85: The Government has recently completed consultation on proposals for a new Māori language strategy and is currently considering next steps.

86, 88: New Zealand is committed to maintaining ongoing partnerships with iwi, hapū and whānau Māori. Māori rights and interests are recognised and provided for in various pieces of legislation. The Treaty of Waitangi must be considered and priority given to ensuring that Māori interests are identified and consultation with the relevant communities is undertaken at an early stage. Crown guidelines for negotiating historical claims note that Treaty settlements should not create further injustices.

87: Te Puni Kōkiri has an existing work programme in place to unlock the potential and increase the utilisation of Māori freehold land (see recommendations 79 & 84).

89: UNDRIP is consistent with the Treaty of Waitangi, which continues to be the central focus for the Government's efforts to resolve issues affecting New Zealand's indigenous people.

90: The Office of Treaty Settlements continues to negotiate settlements of historical Treaty claims with Māori on behalf of the Crown. Where appropriate, settlements provide for co-governance arrangements between local authorities and Māori over natural resources. The Government is also considering how to improve Māori participation in local government and resource management processes.

VII. Canterbury Earthquakes

25. Accepted:

51: New Zealand agrees to speed up the rebuilding processes that are within the scope of government.

52, 53: Accepted in full.

VIII. Aid

26. Accepted:

48, 49, 50: From 2002 to 2009, New Zealand increased Vote ODA progressively to achieve a higher level of ODA: GNI. Due to significant fiscal pressures arising from the Christchurch earthquakes, further planned increases to a target of NZ$600 million were spread over a longer time period. We now expect to reach this target in 2015/16. Since 2009/10, budget increases for Vote ODA have been based on performance and delivery of outcomes, rather than ODA: GNI targets.